

SECTION 18 REINVENTION ISSUES

1. ECONOMIC LOSS DEFINITION

Current Approach: EPA looks primarily at historical (5-year) data to identify if expected losses fall outside of historic norm.

Stakeholder Recommendation: EPA should allow greater flexibility in how economic losses are documented and/or reviewed by the Agency; greater focus on yield loss vs. actual revenue.

2. EMERGENCY SITUATION

Current Approach: EPA performs analysis of emergency situation to ascertain that the request meets established criteria (meets definition of “emergency.”)

Stakeholder Recommendation: EPA should give states guidance on what constitutes an “urgent and non-routine” situation, and allow states to self-certify that the requested exemption is an emergency.

3. IMPLEMENT PERFORMANCE AUDIT

Stakeholder Recommendation: EPA should implement a performance audit program to ensure compliance with guidance, and give states justification to resist pressure to certify an “urgent and non-routine” situation when one does not exist.

4. MULTI-YEAR EXEMPTIONS

Current Approach: EPA authorizes Section 18's for no longer than one-year (Quarantine Exemptions allowed for 3 years).

Stakeholder Recommendation: If certain circumstances are met, allow states to “recertify” emergency situation for up to two-years following initial EPA authorization.

5. SUPPORT/COORDINATE REGIONAL REQUESTS

Current Approach: EPA allows and encourages states to submit regional section 18 requests.

Stakeholder Recommendation: EPA should actively support and coordinate regional section 18 requests.

6. WILDLIFE MONITORING

Stakeholder Recommendation: In collaboration with states, EPA should establish reasonable monitoring criteria and approaches for wildlife and endangered species.

7. RESISTANCE MANAGEMENT

Current Approach: EPA does not grant section 18s prior to documented cases of resistance development.

Stakeholder Recommendation: If certain criteria are met, EPA should grant use of products which will contribute to the delay or avoidance of resistance development.

8. REDUCED RISK

Current Approach: EPA does not grant section 18s based solely on whether the requested chemical is considered safer than a registered alternative chemical.

Stakeholder Recommendation: EPA should grant use of products, even if there are registered alternative products, if the requested chemical is safer than the alternative.